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OFFICE OF PETITIONS

In re Application of
Matousek et al.
Application No. 10/621,835
Filed: July 16, 2003
Attorney Docket No. 17325

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: DECISION ON PETITION
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This is a decision on the renewed petition under 37 CFR 1.181, filed March 15, 2006, requesting that the Office withdraw the holding of abandonment of the above-identified application.

This application was held abandoned for failure to respond in a timely manner to the nonfinal Office action mailed on July 20, 2004, which set a three-month statutory period for reply. A Notice of Abandonment was mailed on March 1, 2005.

On March 15, 2006, petitioners filed this renewed petition and submitted a "Statement by Stephen R. Matthews Under 37 CFR 1.8(b)(3) Attesting to the Personal Knowledge of Mailing Amendment and Certificate of Mailing." Petitioners assert that they filed a timely and proper response in the form of an amendment with a certificate of mailing dated October 20, 2004. A copy of the response accompanies this petition.

Upon a review of the record, it appears that the application number in the heading of the response identified Application No. "10/621,815" rather than the intended Application No. "10/621,835." The amendment was located in the file of Application No. 10/621,815. A review of the correspondence indicates that the USPTO received the response on October 26, 2004 (certificate of mailing dated October 20, 2004), but it was not matched with the file due to the incorrect application number.

Under current Office procedure, a response that has an incorrect application number is handled in accordance with MPEP Section 508.03. If a paper having an incorrect application number contains sufficient information to identify the correct application and was timely received at the Office, the holding of abandonment will be withdrawn. In reviewing the papers, it is concluded that there was sufficient information thereon to associate the papers with the present application file.

For the reasons stated above, the petition is **granted**. The Notice of Abandonment is hereby withdrawn and the application is returned to pending status. The Office will transfer the response of October 26, 2004 (certificate of mailing dated October 20, 2004) from Application No. "10/621,815" to the intended Application No. "10/621,835."

The matter is being referred to Technology Center Art Unit 3651 for a review of the amendment filed October 26, 2004 (certificate of mailing dated October 20, 2004).

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3211. All other questions regarding the status of the application or the examination process should be directed to the Technology Center.

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